

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

W.P. No.14434 of 2003

D.Yuvaraj

.. Petitioner

Vs.

The District Collector,
Collectorate, Dharmapuri District.

.. Respondent

PRAYER: Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent dated 26.07.2002 and quash the same and consequently direct the respondent not to convert the petitioner's property in S.No.731 [violet colour in the plan] at Kannadahalli Village, Pochampalli Taluk, Dharmapuri District into graveyard.

For Petitioner : Ms.N.Sureka

For Respondent : Mr.P.Sanjay Gandhi
Additional Government Pleader

O R D E R

By the order impugned dated 26.07.2002, an extent of 0.15.5 hectares of patta land situated in S.No.727/3, Kannadahalli Village, Pochampalli Circle, was reclassified as Mayana Poramboke.

2.The above said order has been passed on the request made by the general public and based upon the report of the Tahsildar and the Revenue Divisional Officer, Dharmapuri District. It is seen from the records that the petitioner has not given any objection for the change of classification. On the contrary, it is the specific case of the petitioner that he is in possession of the said property by way of an encroachment. Therefore, even in the representation made by the petitioner on 25.01.2003, while reiterating the above said fact the petitioner only states that he is entitled for patta based upon his possession. If that is his case, the remedy open to the petitioner is not by way of filing this Writ Petition. It is a disputed fact. Furthermore, even assuming there is an encroachment, it was only against a private land till the

classification has been affected. Therefore, the Writ Petition is misconceived. Accordingly, the same is dismissed. No costs.

-s/d-
Assistant Registrar(CSV)
dt:20/01/2016
True Copy

Sub-Assistant Registrar

To
The District Collector,
Collectorate, Dharmapuri District.

+1 cc to Government Pleader sr.1836

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